



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider Re-introduction of an Ordinance Regarding
the Regulation of Industrial Waste Haulers

MEETING DATE: January 6, 1993

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of Ordinance 1561 as amended.


BACKGROUND: At the Council meeting of December 16, 1992, the City Council considered the introduction of an ordinance which would regulate haulers of industrial refuse. However, the Council was desirous of making some changes to the ordinance pertaining to industries wishing to haul their own waste.

Pursuant to the direction of Council, Ordinance 1561 has now been amended to allow generators of industrial waste to transport their own waste for disposal. The ordinance would exempt such self-haulers from the payment of a permit fee, but would still require that all waste be channeled through a State-licensed Materials Recovery Facility (MRF).

At the suggestion of industry representatives and City staff, the ordinance has also been modified to require that industrial waste haulers furnish certificates of insurance, proof of vehicle inspections for all trucks utilized to haul industrial waste, and a bonding requirement for defaults of franchise or permit fees.

FUNDING: Not applicable.

Respectfully submitted,


Bob McNatt
City Attorney

BM/vc

APPROVED _____

THOMAS A. PETERSON
City Manager



recycled paper

DRAFT

ORDINANCE NO. 1561
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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 13.16 - SOLID WASTE
RELATING TO INDUSTRIAL WASTE COLLECTION AND RECYCLABLE MATERIALS.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - is hereby amended by adding to Section 13.16.010 a new definition to read as follows:

"Recyclable materials" means any material which is to be reused and/or re-manufactured into a new product. Any industrial waste material which is directed to a landfill or incinerator shall not be designated as a recyclable material for purposes of this chapter."

SECTION 2. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - is hereby amended by adding thereto an Article II, relating to industrial waste collection, to read as follows:

ARTICLE II

INDUSTRIAL WASTE.

Section 13.16.160. INDUSTRIAL WASTE COLLECTION AND
TRANSPORTATION RESTRICTED.

Except as provided in this chapter and on the conditions contained herein, it shall be unlawful for any person or firm to collect or transport industrial waste within the city limits of Lodi. The term "industrial waste" shall not include recyclable materials when such materials are segregated from other types of waste, as defined in this chapter.

Section 13.16.170. PERMIT REQUIRED.

A. No person or firm shall engage in the collection or transportation of industrial waste within the City of Lodi without first obtaining from the Finance Department a non-exclusive permit for such activities and paying an annual permit fee in an amount to be set from time to time by resolution of the City Council, adopted pursuant to this ordinance. Such permit fee shall be in addition to any other annual business license fees or franchise fees. The City Council hereby finds and declares that such fee is necessary and proper to defray the costs of required monitoring, accounting and record-keeping in order to comply with State Solid Waste Management statutes including but not limited to Public Resources Code Section 40000 et seq.

B. Permittees under this ordinance shall be required to furnish to the City of Lodi the following:

1. A certificate of insurance for vehicle and general liability in an amount not less than one million dollars (\$1,000,000), plus proof of Workers Compensation coverage.
2. Proof of inspection by the California Highway Patrol and/or the San Joaquin County Health Department of all vehicles used for the hauling of industrial waste.
3. A bond for potential defaults or failures to pay franchise fee in an amount to be determined by the Finance Director.

Section 13.16.180. FRANCHISE FEE.

All persons or firms engaged in the collection or transportation of industrial waste shall pay to the City an annual franchise fee equivalent to four percent (4%) of the gross revenues for such collection and/or transportation.

Section 13.16.190. INDUSTRIAL WASTE; PROCESSING THROUGH MATERIALS
RECOVERY FACILITY (MRF).

All persons and firms engaged in the collection and transportation of industrial waste shall channel all such waste through a materials recovery facility (MRF) licensed by the State of California. Such MRF may be located inside or outside the City of Lodi. It shall be the responsibility of the licensee to provide to the City on a quarterly basis all data and information on the waste stream volume required under State solid waste reduction statutes. Failure to provide such information may result in revocation of any permit issued under this division.

13.16.200. TRANSPORT BY GENERATOR OF INDUSTRIAL WASTE: EXEMPTION

Any person or firm generating industrial waste as defined in this chapter may choose to transport its own waste for disposal on the following conditions:

A. Self-hauler shall obtain a permit from the City, for which no fee will be charged.

B. All self-hauled industrial waste shall be channeled through a State-licensed Materials Recovery Facility (MRF).

C. No waste of any nature from any source other than industrial waste generated by the self-hauler may be transported under this section.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and

published in the City of Lodi and shall be in force and take effect
thirty days from and after its passage and approval.

Approved this ____ day of _____ 1993

PHILLIP A. PENNINO
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

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State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify
that Ordinance No. 1561 was re-introduced at a regular meeting of the
City Council of the City of Lodi held January 6, 1993 and was
thereafter passed, adopted and ordered to print at a regular meeting of
said Council held _____, 1993 by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1561 was approved and signed by
the Mayor on the date of its passage and the same has been published
pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

ORD1561/TXTA.01V

RESOLUTION NO.

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DRAFT

A RESOLUTION OF THE LODI CITY COUNCIL
ESTABLISHING A PERMIT FEE
FOR INDUSTRIAL WASTE HAULERS

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RESOLVED, that pursuant to Ordinance No. 1561 establishing regulations relating to the collection or transportation by persons or firms of industrial waste, that the annual permit fee for industrial waste hauling permits shall be \$500.00.

Dated: _____, 1993

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I hereby certify that Resolution No. _____ was passed and adopted by the Lodi City Council in a regular meeting held _____, 1993 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Alice M. Reimche
City Clerk



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

CONTINUED NOTICE OF PUBLIC HEARING

Date: January 6, 1993

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

January 6, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a continued public hearing to consider the following matter:

- a) Introduction of an ordinance for regulating all industrial waste haulers

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
Alice M. Reimche
City Clerk *uymp*

Dated:

December 16, 1992
Approved as to form:

Bobby W. McNatt
Bobby W. McNatt
City Attorney

SURVEY OF PERMIT FEES FOR INDUSTRIAL WASTE HAULERS

- Ceres - Fee: N/A. Bonzi-Ceres Disposal has an exclusive franchise for industrial collection. Therefore there is no permit fee.
- Clovis - Fee: Zero. City crews provide service to all customers (residential, commercial and industrial) except those requiring large roll-off boxes. Any hauler must obtain a permit to provide roll-off service in the City - but there is no permit fee.
- Davis - Fee: N/A. Davis Waste Removal has an exclusive franchise for industrial collection. Therefore there is no permit fee.
- Folsom - Fee: Negotiable. City crews provide service to all customers, except those requiring large roll-off boxes. Any hauler must obtain a permit. The Assistant Finance Director indicated the City negotiates a permit fee with each hauler based on the amount of business conducted in the City limits.
- Fresno - Fee: \$16.80/year/customer. City crews provide service to all customers, except those requiring large roll-off boxes or extra collections the City cannot provide. There are five companies which haul industrial waste. Each pays an annual permit fee of \$16.80 from every location they collect. BFI for example, collects from 94 locations, therefore their annual fee is \$1,579.20.
- Galt - Fee: N/A. No permit is required, therefore there is no fee.
- Manteca - Fee: N/A. City crews collect all residential and commercial waste. Effective 1/6/93 the City will begin collecting all industrial waste, therefore no private haulers will be allowed to collect waste in the City, except hazardous/medical wastes.
- Merced - Fee: N/A. City crews collect all waste. Therefore, there is no permit fee.
- Modesto - Fee: Zero. The City has a nonexclusive franchise for industrial collection. Haulers must apply for a permit (known as a license - distinct from a business license). Haulers must pay a 6.5% franchise fee, but there is no license fee.

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Sacramento - Fee: \$100.00/vehicle/year + others. City crews collect all "wet" waste which is biodegradable. Private haulers may collect "dry" waste. Basic fee is \$61.00. Owner of hauling firm must be fingerprinted - \$55.00 fee. Each vehicle must be inspected - \$61.00/vehicle fee. (City does not perform inspections). Each vehicle must receive an annual permit sticker - \$100.00/vehicle. Insurance and a \$1,000 bond is also required.

Stockton - Fee: \$50,000 one time. Stockton Scavenger, Delta, Waste Management and Commercial Salvage are the industrial waste haulers in Stockton. Each has paid a one time permit fee of \$50,000. They must provide \$1,000,000 general liability insurance per occurrence and hold the City harmless for any damages resulting from an incident.

Tracy - Fee: Zero. No permit is required, therefore no fee. The City plans to create an exclusive franchise for industrial waste collection this year.

Turlock - Fee: Zero. The City Clerk issues permits to industrial waste haulers, but no fee is required.